

Message Text

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PAGE 01 LILONG 01217 031750Z
ACTION SNM-05

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FM AMEMBASSY LILONGWE
TO SECSTATE WASHDC 2141

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E.O. 11652: N/A

TAGS: SNAR

SUBJECT: NARCOTICS LAWS

REF: STATE 170187

1. FOLLOWING IS SUMMARY OF MALAWIAN LAWS ON THIS
SUBJECT:

2. POSSESSION:

A. THERE IS NO DIFFERENTIATION IN THE LAW FOR
VARIOUS NARCOTICS. (ONLY MARIJUANA FOUND IN MALAWI.)
B. THERE IS NO QUALIFYING AMOUNT TO BE IN POSSESSION.
C. PENALTIES FOR POSSESSION ARE THE SAME AS FOR
OTHER NARCOTICS OFFENSES, I.E., FINE OF \$1200 AND
IMPRISONMENT FOR 10 YEARS; PROVISIONS ARE STRICTLY
ENFORCED FOR MALAWIAN OFFENDERS BUT IN TWO CASES INVOLVING
AMERICANS, LOCAL AUTHORITIES LEVIED GREATLY REDUCED
FINES (\$60-\$70 PER PERSON) AND EXPELLED THEM FROM THE
COUNTRY RATHER THAN IMPRISONING THEM.

3. TRAFFICKING:

A. LAW CONSOLIDATES ALL CONTROLLED SUBSTANCES
INTO A GENERAL TRAFFICKING OFFENSE.
B. THERE ARE NO MAXIMUM AND MINIMUM PENALTIES
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PAGE 02 LILONG 01217 031750Z

(SEE PARA 2, SECTION C, ABOVE).
C. OFFENSES ARE ABSOLUTE, I.E., EITHER ONE IS OR
IS NOT IN POSSESSION, ETC...
D. ALL NARCOTICS OFFENSES ARE CONSIDERED TO BE
CRIMINAL OFFENSES.

4. CULTIVATION, PRODUCTION, ELABORATION:

A. CULTIVATION OF ITEMS MENTIONED ARE ALL PROHIBITED BY LAW.

B. NOT APPLICABLE.

C. SAME PENALTIES AS ABOVE.

5. FINANCIAL;

A. SAME PENALTIES AS ABOVE.

B. ALL CURRENCY TO BE REPATRIATED MUST CLEAR
RESERVE BANK OF MALAWI WITHOUT EXCEPTION.

6. CRIMINAL PROCEDURE:

A. THERE IS PERIOD OF INVESTIGATIVE DETENTION IN
THE LAW (28 DAYS) BUT IT WAS GENERALLY IGNORED AND
WAS SUSPENDED MARCH 1977 BY GOM NOTICE. CONSULAR ACCESS, WE
PRESUME, WOULD BE PERMITTED BUT,
DURING PAST FOUR YEARS, EMBASSY HWS LEARNED OF ONLY TWO CASES
INVOLVING AMERICANS AFTER THEY HAVE BEEN DISPOSED OF.

B. PRE-TRIAL DETENTION IS AT LEAST 2 MONTHS.

C. TRIALS TAKE AVERAGE 2-3 DAYS, INCLUDING
REVIEW/CONFIRMATION. APPELLATE PROCESS TAKES 2-4
WEEKS.

D. YES.

E. PAROLE AVAILABLE BUT USUALLY NOT FOR NARCOTICS
AND OTHER SERIOUS OFFENSES.

F. YES, SEE 2 (C) ABOVE.

7. MALAWI CUSTOMS OFFICIAL INFORMED US THAT SAME
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PAGE 03 LILONG 01217 031750Z

QUESTIONNAIRE HAD BEEN CIRCULATED RECENTLY BY
BRUSSELS-BWSED CUSTOMS COOPERATION COUNCIL.
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